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ABSTRACT

In 1974 new sections added to the Code of Federal Regulations and the Indian Affairs Field Manual required the establishment of programs of student rights and responsibilities and due process procedures in schools operated or funded by the Bureau of Indian Affairs. This two-part filmstrip and audio tape program is designed to assist educators and students in establishing due process procedures that would be of benefit to all parties concerned. Part I defines due process in its simplest terms as "justice or fair play". Due process procedures must include assurances of eight basic rights: (1) to have a written notice of charges prior to a formal hearing; (2) to have a fair and impartial hearing; (3) to have parents present and to be represented by council; (4) to cross-examine witnesses; (5) to receive a written record of the hearing and disciplinary actions taken; (6) to an administrative review and appeal; (7) to remain silent; and (8) if found not guilty, to have all information relating to the charges removed from school records. Part II presents guidelines for establishing due process procedures in a school. It lists student representation in government and an official, written code of rules and regulations as prerequisites for establishment of due process procedures. Suggestions are given for acquainting faculty with the rules and procedures of due process. The necessary components of a formal hearing are discussed along with a step-by-step description of the procedure to be followed. (DS)

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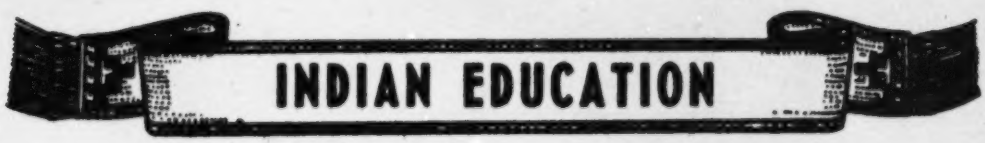
PROCEDURAL DUE PROCESS IN INDIAN EDUCATION

SCRIPTS FOR A TWO-PART
FILMSTRIP/AUDIO TAPE PROGRAM



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Bureau of Indian Affairs
Office of Indian Education Programs

To The User

You have received two 35mm filmstrips and two audio cassette tapes which constitute the two-part program Procedural Due Process in Indian Education.
Part 1 is called "A Definition of Procedural Due Process". Part 2 is titled "Guidelines for Establishing Procedural Due Process". The scripts for both parts are included in this manual.

The scripts for both parts are included in this manual. The scripts include a visual cue in the narrower left hand column for each frame of the filmstrip. The audio script is printed in capital letters in the wider right hand column. A bell tone on the audio tape signals the advance of the filmstrip to the next frame.

You will find it helpful to follow the script closely as you make a presentation in order to be sure that the visual image on the screen corresponds with the narrative being heard on the audio tape.

You will need a 35mm filmstrip projector, a cassette audio tape player and a movie screen to present the program. You should be sure that these items are at hand and in good working order before the scheduled presentation time. If possible, the presenter should preview the entire program

prior to making a presentation. In the absence of a movie screen any white or light colored smooth wall may serve as a screen on which to project the filmstrips.

You are reminded that both the projector and the tape player have an "off" switch as well as an "on" switch. These may be used at any point in the program that lends itself to discussion in your particular situation.

PRS

# 1 Department of Interior Seal	MUSIC - FADE IN MUSIC - LOW
# 2 Title Frame	THIS IS PART 1 OF A TWO PART PROGRAM TITLED PROCEDURAL DUE PROCESS IN INDIAN EDUCATION
# 3 Part 1 Title	PART 1 IS CALLED "A DEFINITION OF PROCEDURAL DUE PROCESS"
	THE PROGRAM YOU ARE ABOUT TO PARTICIPATE IN WAS DEVELOPED BY THE OFFICE OF INDIAN EDUCATION PROGRAMS....
	TO BE USED IN THE TRAINING OF STAFF AND STUDENTS IN SCHOOLS OPERATED OR FUNDED BY THE BUREAU OF INDIAN AFFAIRS. THE INFORMATION PRESENTED HERE SHOULD BE OF ASSISTANCE IN THE ESTABLISHMENT OF DUE PROCESS PROCEDURES. MUSIC - UP SLIGHTLY

# 4 Student With A Gag	MUSIC - OUT STUDENTS ARE CITIZENS TOO! WHILE IT MAY NOT ALWAYS HAVE SEEMED THAT WAY IN THE PAST, A STUDENT DOESN'T LOSE THE RIGHTS GUARANTEED TO HIM UNDER THE U.S. CONSTITUTION WHEN HE ENROLLS IN SCHOOL.
# 5 Student Throwing Rocks, Others Ducking.	TO BE SURE, LIKE EVERY CITIZEN, HE MUST ALSO ACCEPT RESPONSIBILITIES FOR THE PROTECTION OF THOSE SAME RIGHTS TO OTHERS.
# 6 Car Careening Around Campus - Frightened People Scattering	WHEN A STUDENT SOMETIMES BEHAVES IRRESPONSIBLY TOWARD OTHERS, TOWARD THE SCHOOL, OR TOWARD HIS OWN SAFETY OR HEALTH HE IS USUALLY BREAKING A RULE OR A REGULATION WHICH HAS BEEN ESTABLISHED. ALL ORGANIZATIONS HAVE RULES AND REGULATIONS WHICH ITS MEMBERS MUST RESPECT IN ORDER TO ASSURE A PEACEFUL AND ORDERLY OPERATION.
# 7 Russians Trekking To Siberia	YET EVEN WHEN HE IS CHARGED WITH IRRESPONSIBLE BEHAVIOR THE STUDENT, LIKE EVERY OTHER CITIZEN, HAS A RIGHT UNDER OUR SYSTEM OF LAWS WHICH CITIZENS OF MANY OTHER COUNTRIES DON'T HAVE.
# 8 A Court of Law: Judge: "We are Prepared To Give A Fair And Impartial Hearing."	CITIZENS OF THE UNITED STATES, INCLUDING STUDENTS, ARE ENTITLED TO DUE PROCESS PROCEDURES WHEN THEY ARE CHARGED WITH IRRESPONSIBLE BEHAVIOR FOR WHICH THEY MIGHT BE PUNISHED.

# 9 Two Books: 1. Code of Federal Regulations 25 Part 35 2. 1AM 62:9	IN 1974 NEW SECTIONS WERE ADDED TO THE CODE OF FEDERAL REGULATIONS AND THE INDIAN AFFAIRS FIELD MANUAL WHICH REQUIRE THE ESTABLISHMENT OF PROGRAMS OF STUDENT RIGHTS AND RESPONSIBILITIES AND DUE PROCESS PROCEDURES IN SCHOOLS OPERATED OR FUNDED BY THE BUREAU OF INDIAN AFFAIRS.
# 10 Meeting Of Students And Faculty Speaker Saying, "Now How Do We Set Up Due Process Procedures"	THIS TWO-PART FILMSTRIP AND AUDIO TAPE PROGRAM HAS BEEN PREPARED SPECIFICALLY TO ASSIST EDUCATORS AND STUDENTS IN THOSE SCHOOLS TO ESTABLISH DUE PROCESS PROCEDURES WHICH WILL BENEFIT BOTH THE STUDENTS AND THE SCHOOL.
# 11 Same Group With Light Bulb Above	AFTER VIEWING THIS PROGRAM BOTH STAFF MEMBERS AND STUDENTS SHOULD BE ABLE TO DO SEVERAL THINGS:
# 12 Faculty Member Reciting "The Accused Must Be Provided With Written Notice Of The Charges...	FIRST: THEY SHOULD BE ABLE TO NAME, EITHER ORALLY OR IN WRITING, THE RIGHTS OF A STUDENT CHARGED WITH WRONGDOING WHICH CONSTITUTE DUE PROCESS UNDER THE LAW.
# 13 The School Principal To Faculty Meeting "The School Must Assure Due Process To Students"	SECOND: THEY SHOULD BE ABLE TO EXPLAIN THE RESPONSIBILITIES OF THE SCHOOL IN ESTABLISHING DUE PROCESS PROCEDURES.

# 14 Student In Council Meeting - "That Rule Is Unfair"	THIRD: THEY SHOULD BE ABLE TO EXPLAIN THE ROLE OF STUDENTS IN HELPING TO FORMULATE THE RULES, DISCIPLINE, AND GRIEVANCE PROCEDURES FOR THE SCHOOL.
# 15 Same Picture As Frame 9 - Speaker Saying, "Now We've Agreed On How To Do This."	FOURTH: THEY SHOULD BE ABLE TO INSTALL DUE PROCESS PROCEDURES IN THEIR SCHOOL WHICH MEET REQUIREMENTS UNDER THE LAW AND WHICH WILL OPERATE EFFECTIVELY AND SMOOTHLY.
# 16 Lettering What Is Due Process?	WHAT IS DUE PROCESS? DUE PROCESS IS PERHAPS THE WHOLE SPIRIT OF THE AMERICAN LEGAL SYSTEM. IN ITS SIMPLEST TERMS, DUE PROCESS MEANS JUSTICE OR FAIR PLAY. FOR EXAMPLE, IN THIS COUNTRY A MAN HAS THE RIGHT TO TELL HIS SIDE OF THE STORY IN ANY ATTEMPT B THE GOVERNMENT TO TAKE AWAY HIS LIFE, HIS LIBERTY, O HIS PROPERTY. HE HAS THE RIGHT TO BE FAIRLY TRIED. SOMETIMES THIS RIGHT TO BE HEARD IS DESCRIBED AS PROCEDURAL DUE PROCESS.
# 17 Document Headed Student Rights & Responsibilities	PROCEDURAL DUE PROCESS IN SCHOOLS OPERATED OR FUNDED BY THE BUREAU OF INDIAN AFFAIRS REQUIRES THAT SEVERAL PRIOR FUNDAMENTAL CONDITIONS HAVE BEEN MET.
# 18 Student In Meeting, "I Disagree!"	IT IS ASSUMED THAT STUDENTS ARE ASSURED OF SUCH FUNDAMENTAL RIGHTS AS FREEDOM OF ASSOCIATION AND FREEDOM OF INQUIRY AND EXPRESSION.

# 19 Student Council Meeting Sign - "Northlake Student Council"	IT IS ASSUMED THAT STUDENTS ARE REPRESENTED IN SCHOOL GOVERNMENT THROUGH A RECOGNIZED STUDENT COUNCIL AND HAVE ACTIVELY PARTICIPATED IN THE FORMULATION OF REGULATIONS, DISCIPLINE, AND GRIEVANCE PROCEDURES.
# 20 Kids Arriving At School-Bags In Hand. Someone Handing Each A Copy Of The "Student Code"	IT IS ASSUMED THAT THE RULES AND REGULATIONS OF THE SCHOOL RELATING TO STUDENT BEHAVIOR ARE PRECISE AND SPECIFIC; THAT THEY HAVE BEEN DISTRIBUTED IN WRITING TO ALL STUDENTS; AND THAT THEY HAVE BEEN CLEARLY EXPLAINED TO PROVIDE PRIOR NOTICE OF WHAT BEHAVIOR IS EXPECTED.
# 21 Closeup	THE STUDENT CODE SHALL INCLUDE THE INFORMATION THAT EVERY STUDENT IS ENTITLED TO DUE PROCESS IN EVERY INSTANCE OF DISCIPLINARY ACTION WHICH MAY LEAD TO SUSPENSION, TRANSFER OR EXPULSION FROM SCHOOL.
# 22 Principal Handing Document To Student Headed Notice of Charges. He Says, "You May Review Any Statements About These Charges, Jerry."	DUE PROCESS PROCEDURES MUST INCLUDE THE FOLLOWING EIGHT ASSURANCES: FIRST: THE STUDENT HAS THE RIGHT TO A WRITTEN NOTICE OF CHARGES WITHIN A REASONABLE TIME PRIOR TO A HEARING.
	NOTICE OF THE CHARGES MUST INCLUDE REFERENCE TO THE REGULATION WHICH HAS REPORTEDLY BEEN BROKEN AS WELL AS THE FACTS WHICH ARE SAID TO CONSTITUTE THE VIOLATION. IN ADDITION, THE STUDENT BEING CHARGED WITH A VIOLATION MUST BE INFORMED THAT HE OR SHE HAS ACCESS TO ALL STATEMENTS OF PERSONS ABOUT THE CHARGES AS WELL AS TO THOSE PARTS OF THE
11	STUDENT'S OWN SCHOOL RECORD WHICH WILL BE CONSIDERED IN ARRIVING AT A DISCIPLINARY DECISION.

# 23 Pupil Personnel Director Saying To Superintendent, "This Is An Emergency Situation, Sir!"	SECOND: THE STUDENT BEING CHARGED WITH A VIOLATION WHICH MIGHT LEAD TO SUSPENSION, TRANSFER OR EXPULSION HAS THE RIGHT TO A FAIR AND IMPARTIAL HEARING BEFORE DISCIPLINARY ACTION IS TAKEN. THIS PROVISION MAY BE MODIFIED IF AN ACTUAL EMERGENCY EXISTS WHICH SERIOUSLY AND IMMEDIATELY ENDANGERS THE HEALTH OR SAFETY OF THE STUDENT OR OTHERS.
# 24 Superintendent Writing Report - "The Facts Constituting This Emergency...." (We See His Hands Only)	IN AN EMERGENCY SITUATION THE OFFICIAL IN CHARGE MAY SUSPEND THE STUDENT TEMPORARILY - BUT ONLY TEMPORARILY UNTIL A FAIR AND IMPARTIAL HEARING CAN BE PROVIDED. THE FACTS OF THE EMERGENCY MUST BE REPORTED IN WRITING IMMEDIATELY.
# 25 Man Shaking Hands With Principal Saying, "I'm Jerry's Dad."	A THIRD REQUIREMENT UNDER DUE PROCESS PROCEDURES IS THE RIGHT OF THE ACCUSED STUDENT TO HAVE PARENTS OR GUARDIANS PRESENT AT THE HEARING. IF A PARENT OR GUARDIAN CANNOT BE PRESENT THEY MAY DESIGNATE SOMEONE TO REPRESENT THEM.
# 26 A "Hearing" Scene With A "Defense Counsel" Desk.	THE ACCUSED STUDENT ALSO HAS THE RIGHT TO BE REPRESENTED BY COUNSEL. COUNSEL MAY BE A MEMBER OF THE FACULTY, ANOTHER STUDENT, OR A PRACTICING LAWYER. IF A PRIVATE LAWYER IS HIRED HIS FEES MUST BE PAID BY THE STUDENT.
# 27 Boy Saying To Another Boy, "Will You Be A Witness For Me, Dan?"	FOURTH: THE ACCUSED STUDENT HAS THE RIGHT TO PRODUCE WITNESSES IN HIS DEFENSE. HE ALSO HAS THE RIGHT TO CONFRONT AND EXAMINE WITNESSES AGAINST HIM.
	12

28 Superintendent Handing Document To Student Saying, "Here Is Your Copy Of The Hearing Proceedings, Jerry."	FIFTH: THE STUDENT HAS THE RIGHT TO A RECORD OF THE HEARING. THIS RECORD MUST INCLUDE WRITTEN FINDINGS OF FACTS AND CONCLUSIONS IN ALL CASES INVOLVING DISCIPLINARY ACTION.
29 Superintendent With Student And "Hearing Report" Says, "Now Let's Review Your Case."	SIXTH: THE ACCUSED STUDENT HAS THE RIGHT TO ADMINISTRATIVE REVIEW AND APPEAL OF THE FINDINGS AND DECISIONS REACHED.
30 Witness Chair Empty. Defense Counsel Whispering To Student, "You Don't Have To Take The Stand If You Don't Want To."	SEVENTH: THE ACCUSED STUDENT CANNOT BE MADE TO TESTIFY AGAINST HIMSELF AND HIS REFUSAL TO TESTIFY CANNOT BE HELD AGAINST HIM.
31 School Office - Papers Being Removed By Secretary From A Folder and Thrown In Trash.	AND EIGHTH: IF THE STUDENT IS FOUND NOT GUILTY OF THE CHARGES BROUGHT AGAINST HIM HE HAS A RIGHT TO HAVE THOSE CHARGES REMOVED FROM HIS RECORD ALONG WITH ALL INFORMATION RELATING TO THEM. LET'S TAKE ANOTHER LOOK AT THE RIGHTS OF THE STUDENT WHICH CONSTITUTE DUE PROCESS PROCEDURES:
32 Graphic	1. THE RIGHT TO WRITTEN NOTICE OF CHARGES WITHIN A REASONABLE TIME PRIOR TO A FORMAL HEARING.

# 33 Graphic	2. THE RIGHT TO A FAIR AND IMPARTIAL HEARING.
# 34 Graphic	3. THE RIGHT TO BE REPRESENTED BY COUNSEL.
# 35 Graphic	4. THE RIGHT TO CROSS-EXAMINE WITNESSES.
# 36 Graphic	5. THE RIGHT TO A RECORD OF THE FORMAL HEARING AND DISCIPLINARY ACTIONS TAKEN.
# 37 Graphic	6. THE RIGHT TO ADMINISTRATIVE REVIEW AND APPEAL.

# 38 Graphic	7. THE RIGHT TO REMAIN SILENT.
# 39 Graphic	8. THE RIGHT IF FOUND "NOT GUILTY", TO HAVE ALL INFORMATION RELATIVE TO THE CHARGES REMOVED FROM HIS SCHOOL RECORDS.
# 40 A Conference Table: Administrator Saying, "Here's How We Did It." Document In Hand Headed Due Process Procedures	PART II OF THIS TWO PART TRAINING PROGRAM WILL PRESENT GUIDELINES FOR ESTABLISHING DUE PROCESS PROCEDURES IN BIA OPERATED AND CONTRACTED SCHOOLS. THESE GUIDELINES REFLECT THE EXPERIENCES OF BIA SCHOOLS WHICH HAVE ALREADY ESTABLISHED THOSE PROCEDURES.
# 41 Credits	MUSIC - IN MUSIC- LOUD
# 42 Credits	MUSIC-CONTINUE
# 43 END PART I	MUSIC - OUT

# 1 Department of Interior Seal	MUSIC - FADE IN MUSIC - LOW
# 2 Title Frame	THIS IS PART 2 IN THE 2 PART PROGRAM PROCEDURAL DUE PROCESS IN INDIAN EDUCATION
# 3 Title Frame Part II	THIS PART IS CALLED "GUIDELINES FOR ESTABLISHING DUE PROCESS PROCEDURES" THE PROGRAM YOU ARE ABOUT TO PARTICIPATE IN WAS DEVELOPED BY THE OFFICE OF INDIAN EDUCATION PROGRAMS OF THE BUREAU OF INDIAN AFFAIRS TO BE USED IN THE TRAINING OF STAFF AND STUDENTS IN SCHOOLS OPERATED OR FUNDED BY THE BUREAU OF INDIAN AFFAIRS. THE INFORMATION PRESENTED HERE SHOULD BE OF ASSISTANCE IN THE ESTABLISHMENT OF DUE PROCESS PROCEDURES.
	MUSIC - UP SLIGHTLY
# 4 TV Viewer Football Game. "That Was Really A Dumb Call."	MUSIC - OUT THE ARMCHAIR QUARTERBACK SHOULD KNOW THAT THERE IS A LOT OF DIFFERENCE BETWEEN KNOWING THE RULES AND ACTUALLY PLAYING THE GAME. IT IS EASY TO SAY WHAT NEEDS TO BE DONE AS YOU WATCH FROM THE SIDELINES. IT IS QUITE ANOTHER THING TO ACTUALLY BE THE QUARTERBACK WHO HAS TO GET THE JOB DONE.

# 5 Session With Confusion (Or Dumb Expressions) "What Are We Supposed To Do?"	SO TOO WITH PROCEDURAL DUE PROCESS. SCHOOLS THAT HAVE TACKLED THE JOB HAVE FACED AND SOLVED MANY UNEXPECTED PROBLEMS IN SETTING UP PROCEDURES THAT MEET THE LEGAL REQUIREMENTS AND ALSO FUNCTION SMOOTHLY FOR EVERYONE CONCERNED.
# 6 Conference Table: Administrator Saying, "Another Thing To Watch Out For Is...."	THESE EXPERIENCES PROVIDE VALUABLE GUIDELINES - SOME BASIC DO'S AND DONT'S - FOR OTHERS WHO ARE JUST UNDERTAKING THE TASK OF SETTING UP FORMAL DUE PROCESS PROCEDURES.
# 7 Meeting: 1. Student Council Representatives 2. Faculty Representatives 3. School Board Representatives	TO BEGIN WITH IT IS IMPORTANT TO EMPHASIZE AGAIN THE IMPORTANCE OF SEVERAL PRIOR CONDITIONS. IT IS ASSUMED THAT AT YOUR SCHOOL STUDENTS ARE REPRESENTED IN SCHOOL GOVERNMENT AND HAVE ACTIVELY PARTICIPATED WITH FACULTY AND SCHOOL BOARD IN THE FORMULATION OF REGULATIONS, DISCIPLINE, AND GRIEVANCE PROCEDURES. IF THIS CONDITION HAS NOT BEEN MET STUDENTS HAVE NOT HAD AN OPPORTUNITY TO EXPERIENCE ONE OF THE MOST FUNDAMENTAL DEMOCRATIC CONCEPTS....THAT OF REPRESENTATIVE GOVERNMENT.
# 8 Students Reading "Behavior Code" In Classroom. Instructor Saying, "Now Let's Look At Paragraph XI."	A SECOND IMPORTANT CONDITION CONCERNS STUDENT AWARENESS AND UNDERSTANDING OF THE RULES AND REGULATIONS WHICH PROVIDE PRIOR NOTICE OF WHAT BEHAVIOR IS EXPECTED. IT IS ASSUMED THAT THE RULES AND REGULATIONS CONCERNING STUDENT CONDUCT AND STUDENT RIGHTS AND RESPONSIBILITIES HAVE BEEN MADE AVAILABLE IN WRITING TO EVERY STUDENT: THAT THESE ARE PRECISE AND SPECIFIC RATHER THAN GENERAL AND AMBIGUOUS: AND THAT RULES AND REGULATIONS HAVE BEEN CLEARLY EXPLAINED.
# 9 Booklet "Due Process Procedures At Northlake High School"	IF THESE CONDITIONS HAVE BEEN MET DUE PROCESS PROCEDURES CAN BE ESTABLISHED WHICH WILL ASSURE THAT THE STUDENT'S RIGHTS ARE PROTECTED. THOSE WHO HAVE WORKED TO ESTABLISH PROCEDURAL DUE PROCESS IN THEIR SCHOOLS EMPHASIZE ONE FACTOR ABOVE ALL OTHERS FOR BOTH STUDENTS AND STAFF:

# 10 Block Letters Know The Rules!!	KNOW THE RULES! BY THIS THEY MEAN NOT ONLY THE RULES FOR STUDENT BEHAVIOR BUT ALSO THE PROVISIONS FOR DUE PROCESS. IT IS RECOMMENDED THAT DURING THE FIRST WEEK OF SCHOOL ALL NEW STUDENTS BE PROVIDED COPIES OF THE STUDENT BODY CONSTITUTION (OR HANDBOOK), WHICH SHOULD INCLUDE THE BEHAVIOR CODE AND PROVISIONS FOR DUE PROCESS. STUDENTS SHOULD BE REQUIRED TO
	READ THIS DOCUMENT, PREFERABLY WITH EXPLANATIONS BY STUDENT COUNCIL AND FACULTY, AND TO AGREE TO ABIDE BY ITS PROVISIONS.
# 11 Use Frame #7 Caption From #16 Part 1	THE RULES AND REGULATIONS, AS MENTIONED EARLIER, SHOULD NOT HAVE BEEN CREATED BY THE STAFF AND MERELY HANDED TO THE STUDENTS. THEIR FORMULATION SHOULD HAVE INVOLVED FULL STUDENT PARTICIPATION FROM THE BEGINNING, AND PROCEDURES FOR CHANGING THE RULES BY DEMOCRATIC ACTION SHOULD ALSO BE EXPLAINED. THIS ADMONITION TO "KNOW THE RULES" IS DIRECTED TOWARD STAFF MEMBERS TOO.
# 12 Teacher With Paddle: "I Don't Care What The Code Says."	THE STAFF SHOULD NOT BE ALLOWED TO MAKE RULES WHICH CONFLICT WITH THE OFFICIALLY ADOPTED CODE.
# 13 Teacher Saying To Judge, "I Didn't Know It Had To Be in Writing!"	THE FACULTY MEMBER WHO DOESN'T KNOW THE RULES AND PROCEDURES FOR DUE PROCESS MAY VERY WELL FIND HIMSELF AT A DISADVANTAGE IN RELATING TO THE SYSTEM.... ONE WHO FILES CHARGES WITHOUT UNDERSTANDING THE REQUIREMENTS OF DUE PROCESS MAY LOSE ON PURELY PROCEDURAL GROUNDS.
	18

# 14 Teacher Talking To Principal: "If That Kid Isn't Expelled I'm Going To Resign."	EXPERIENCE ALSO SUGGESTS THAT YOU SHOULD BE PREPARED FOR STAFF OBJECTIONS! INSTITUTING DUE PROCESS PROCEDURES MAY BE VIEWED BY SOME AS A DIRECT THREAT TO THEIR AUTHORITY. SEVERAL SUGGESTIONS HAVE BEEN MADE BY EXPERIENCED EDUCATORS. TO THE STAFF MEMBER THEY SAY, "DON'T ADOPT AN ATTITUDE OF ULTIMATUM.' DUE PROCESS BY ITS VERY DEFINITION MAKES THE 'NOT GUILTY' VERDICT A REAL POSSIBILITY EVERY TIME."
# 15 **Man looking at staff rotation schedule.**	A SERIOUS RECOMMENDATION TO ADMINISTRATORS IS TO ROTATE THE STAFF POSITIONS FOR EACH HEARING. IN THIS WAY STAFF MEMBERS LEARN FIRST HAND ABOUT DUE PROCESS. FOR MANY IT MAY BE A COMPLETELY NEW EXPERIENCE. SOME HAVE BECOME MORE SYSTEMATIC AND FAIR-MINDED IN THEIR APPROACH TO DISCIPLINE AS A RESULT.
# 16 Teacher Putting "Charges" On Ice... Setting Timer For 12 Hours.	EXPERIENCE HAS SHOWN THAT FORMAL HEARINGS ARE SERIOUS BUSINESS! CAREFUL THOUGHT SHOULD PRECEDE ACTIONS WHICH WILL RESULT IN A HEARING. A 12 HOUR WAITING PERIOD IS RECOMMENDED FOR ANY STAFF MEMBER PLANNING TO FILE A FORMAL WRITTEN CHARGE AGAINST A STUDENT. THE WAITING PERIOD PROVIDES TIME TO THINK THE SITUATION THROUGH, ESPECIALLY THE REQUIREMENTS FOR EVIDENCE. WE ARE TOLD THAT WITH THIS WAITING PERIOD CHARGES WHICH MIGHT BE FILED IN THE HEAT OF THE MOMENT ARE NOT FILED WHEN CONSIDERED MORE CAREFULLY. THE SERIOUS CHARGES WILL USUALLY BE SUSTAINED AFTER THE WAITING PERIOD AND THESE SHOULD RESULT IN FORMAL HEARINGS.
# 17 Pupil Personnel Director To Student, "I'm Afraid You'll Miss That Big Game, Jerry."	WHEN A STUDENT IS CHARGED WITH A FIRST OR SECOND MAJOR OFFENSE THE CHARGES MAY BE MADE BY THE PUPIL PERSONNEL DIRECTOR AND DISCIPLINE ASSIGNED IN ACCORDANCE WITH THE WRITTEN RULES AND REGULATIONS. IF YOU HAVE NO PUPIL PERSONNEL DIRECTOR THE PRINCIPAL MIGHT ASSUME THIS RESPONSIBILITY.

# 18 Student Council In Session	IF THE STUDENT ELECTS TO PLEAD "NOT GUILTY" IT IS RECOMMENDED THAT HIS CASE BE GIVEN A PRELIMINARY HEARING BY THE STUDENT COUNCIL OR A PANEL DRAWN FROM THE STUDENT COUNCIL WHICH RECOMMENDS DISCIPLINARY ACTION TO THE PRINCIPAL AND THE PUPIL PERSONNEL DIRECTOR. IF THE DECISION OF THE STUDENT COUNCIL DOES NOT RESOLVE THE COMPLAINT PROVISION SHOULD BE MADE FOR
	A FORMAL HEARING.
# 19 Student Roaring Around Campus In A Souped-Up Car.	DUE PROCESS PROCEDURES BECOME MANDATORY WHEN A STUDENT HAS COMMITTED A MAJOR INFRACTION OF SCHOOL REGULATIONS WHICH MAY LEAD TO SUSPENSION, TRANSFER, OR EXPULSION OF THE STUDENT FROM SCHOOL.
# 20 The "Hearing Official" (Shop Teacher) Poring Over Documents Headed "Due Process"	WHAT DO YOU NEED TO CONDUCT AN APPROPRIATE HEARING? FIRST, A HEARING REQUIRES THE APPOINTMENT OF A HEARING OFFICIAL OR HEARING COMMITTEE CHAIRMAN. YOUR STUDENT CODE MAY ALREADY SPECIFY HOW THIS SELECTION IS TO BE MADE. IN THE ABSENCE OF SUCH A PROVISION THE PRINCIPAL OR SCHOOL ADMINISTRATOR SHOULD MAKE THE APPOINTMENT. THE HEARING OFFICIAL SHOULD BE A PERSON WHO IS KNOWN TO BE FAIR AND OBJECTIVE. HE OR SHE MAY BE A MEMBER OF THE SCHOOL STAFF OR SOMEONE FROM THE COMMUNITY.
# 21 Law Office With Sign: Alice Bennett, Attorney At Law. A Man Seated; Woman Standing Says, "Then You Should Say..."	IT IS ESSENTIAL THAT THE HEARING OFFICIAL BECOME KNOWLEDGEABLE IN DUE PROCESS PROCEDURES. THE HEARING OFFICIAL IN ONE SCHOOL ACQUIRED HIS KNOWLEDGE OF DUE PROCESS FROM A LOCAL LAWYER WHO VOLUNTEERED HER SERVICES FOR TRAINING.

# 22 Man Coming Into Principal's Office - Briefcase With "Solicitor's Office" On It He Is Saying, "Can We Help?"	OTHER SOURCES OF TRAINING MAY BE AVAILABLE FOR BOTH STAFF AND STUDENTS IN PROCEDURAL DUE PROCESS. A NEARBY COLLEGE OR UNIVERSITY MAY OFTEN BE ABLE TO PROVIDE SUCH TRAINING. THE SOLICITOR'S OFFICE OF THE DEPARTMENT OF THE INTERIOR CAN SOMETIMES PROVIDE TRAINING ASSISTANCE, AND THE AMERICAN BAR ASSOCIATION HAS DEVELOPED A CONSIDERABLE AMOUNT OF MATERIAL RELATING TO DUE PROCESS PROCEDURES IN EDUCATION.
# 23 The "Hearing Official" Think Cloud Above Head Of Boy Student & Girl Student. He Is Thinking, "Kathryn And Tom Will Be Good Committe-Members For This Hearing."	SECOND, A HEARING MAY OR MAY NOT INVOLVE A SMALL PANEL OR COMMITTEE, ALTHOUGH ONE MIGHT BE DESIREABLE. THE HEARING MAY BE CONDUCTED IN ITS ENTIRETY BY THE APPOINTED HEARING OFFICIAL IF THE SCHOOL PREFERS. IF YOUR PLAN CALLS FOR A PANEL OR COMMITTEE THAT PANEL MAY VARY IN SIZE, AND THE OFFICIAL ACTS AS COMMITTEE CHAIRMAN. EXPERIENCE SUPPORTS AT LEAST TWO CRITERIA FOR SELECTING PANEL MEMBERS:
	A. EQUAL NUMBERS OF FACULTY AND STUDENTS (POSSIBLY ONE OR TWO OF EACH) SHOULD BE SELECTED BY THE COMMITTEE CHAIRMAN. B. CARE SHOULD BE TAKEN TO SELECT STUDENTS AND FACULTY WHO ARE NOT BIASED EITHER FOR OR AGAINST THE ACCUSED STUDENT
# 24 Girl student Talking To Business Teacher (Woman) Asks, "Wil You Be My Defense Counsel, Mrs. Bryan?"	THIRD, DUE PROCESS REQUIRES THAT THE ACCUSED BE REPRESENTED BY COUNSEL. THE ACCUSED CAN ACT AS COUNSEL IN HIS OWN DEFENSE, BUT THIS IS STRONGLY DISCOURAGED. THE ACCUSED CAN ASK ANY STUDENT OR STAFF MEMBER TO ACT AS HIS OR HER ATTORNEY. THE ACCUSED MAY ENGAGE A PRIVATE ATTORNEY, BUT ONLY AT HIS OR HER OWN EXPENSE. THE COURT MUST FURNISH COPIES OF THE FORMAL CHARGES TO THE COUNSELS FOR THE PROSECUTION AND DEFENSE
	IN ADVANCE OF THE HEARING. THIS WILL USUALLY MEAN THAT THE SCHOOL SECRETARY WILL SEE THAT THIS IS DONE.

# 25 Principal's Office. Woman Counselor In Doorway - Her Office Across The Hall. He Says, "Would You Please Act As School Counsel For This Hearing, Mr. Yahzie?"	THE ROLE OF ATTORNEY FOR THE PROSECUTION MIGHT BEST BE CALLED THE SCHOOL COUNSEL. IT IS RECOMMENDED THAT THE SCHOOL PRINCIPAL OR SOMEONE DESIGNATED BY HIM ACT IN THIS CAPACITY.
# 26 A Close-Up Of The Secretary	SOMEONE MUST ACCURATELY RECORD EVERYTHING THAT TRANSPIRES IN THE HEARING. A SCHOOL SECRETARY HAS THE TECHNICAL SKILLS NEEDED TO DO THIS, AND IT IS RECOMMENDED THAT YOUR SECRETARY, OR ONE OF THEM IF YOU HAVE SEVERAL, BE ASSIGNED AS RECORDING SECRETARY.
# 27 School Counsel Talking To Girl: "Carol, We Would Like To Call You As A Witness."	FOURTH: DUE PROCESS INVOLVES THE CALLING OF WITNESSES WHO HAVE KNOWLEDGE OF THE INCIDENT WHICH RESULTED IN THE CHARGES. BOTH THE COUNSEL FOR THE SCHOOL AND THE COUNSEL FOR THE DEFENSE MAY CALL WITNESSES. THE ACCUSED HAS THE RIGHT TO CROSS EXAMINE ANY WITNESS.
# 28 A Door With Sign: "Hearing In Session."	THE HEARING SHOULD FOLLOW SIMPLE STANDARD RULES OF DUE PROCESS. THE FOLLOWING SIMULATED HEARING WILL PROVIDE A USEFUL EXAMPLE, BUT IT IS AN ILLUSTRATION OF ONLY ONE FORM OF HEARING.
# 29 Chairman With Gavel In Front Of Him At Head Table In Library. One Student And One Teacher On Each Side Of Him. Secretary To One Side.	IN SOME SCHOOLS THE CHAIRMAN VOTES AS A MEMBER OF THE HEARING COMMITTEE, IN OTHERS HE MAY VOTE ONLY IN CASE OF A TIE. THE CHAIRMAN IS IN SOLE CHARGE OF THE PROCEEDINGS. FOR EXAMPLE, HE MAY POSTPONE THE HEARING IF HE FEELS NO PROGRESS IS BEING MADE OR HE MAY DECLARE A RECESS IF THE PARTIES IN THE CASE BECOME TOO UNRULY.

# 30 Closeup Of The Chairman's Notes - "Then I Say, 'Defense Counsel - Have All Due Process.... ....."	THE CHAIRMAN SHOULD HAVE THE SEQUENCE OF PROCEDURES FOR THE HEARING WRITTEN OUT FOR HIS OWN USE, INCLUDING ANY NOTATIONS TO HIMSELF ABOUT WHAT TO SAY NEXT. THE HEARING MIGHT PROCEED AS FOLLOWS!
# 31 The Chairman Looking At People In The Room	Narrator: "THE CHAIRMAN CALLS THE HEARING TO ORDER." Chairman: "THIS HEARING IS NOW CONVENED. THE ADMINISTRATIVE HEARING COMMITTEE OF NORTHLAKE HIGH SCHOOL IS NOW IN SESSION. MEMBERS OF THE COMMITTEE SELECTED FOR THIS HEARING ARE MR. BEN ROMAN AND MISS DONNA GARCIA, FACULTY MEMBERS, MR. JAY LONG AND MISS CATHY BENALLY, STUDENTS. I AM MR. ELTON, CHAIRMAN OF THE HEARING COMMITTEE."
# 32 Chairman Addressing Secretary - Crop In -	"THE SECRETARY WILL RECORD FOR THE MINUTES ALL PERSONS PRESENT AT THIS HEARING. TO SATISFY THIS COMMITTEE WE NEED TO KNOW IF YOU HAVE A DIRECT RELATIONSHIP PERTINENT TO THE CHARGES BROUGHT AGAINST THIS STUDENT. ANYONE NOT DIRECTLY CONCERNED IS ASKED TO LEAVE AT THIS TIME:"
# 33 Secretary Responding To Chairman	Secretary; "ALL PERSONS PRESENT HAVE BEEN NOTED FOR THE MINUTES, MR. CHAIRMAN. THEY ARE ALL DIRECTLY INVOLVED WITH THESE PROCEEDINGS."
# 34 Chairman Speaking To The Entire Audience	"AS THE HEARING COMMITTEE CHAIRMAN I HAVE POLLED THIS COMMITTEE AND WE ARE PREPARED TO GIVE A FAIR AND IMPARTIAL HEARING. ALL FINDINGS BY THIS COMMITTEE WILL BE BASED ON FACTS PRESENTED AT THIS HEARING."

# 35 Chairman	"ONLY TESTIMONY PERTAINING TO THE PRESENT CHARGE AGAINST THIS STUDENT IS ADMISSABLE IN THIS HEARING. THE BURDEN OF PROOF RESTS WITH THE PARTY BRINGING THE CHARGE, AND HE MUST PRESENT HIS EVIDENCE IN ITS ENTIRETY BEFORE THE ACCUSED IS CALLED UPON TO PRESENT HER DEFENSE."
# 36 Chairman Addresses School Counsel	"SCHOOL COUNSEL, HAVE ALL DUE PROCESS PROCEDURES BEEN FOLLOWED?"
# 37 School Counsel - Crop In -	"THEY HAVE, MR. CHAIRMAN."
# 38 Chairman Addresses Defense Counsel (A Woman Teacher)	"DEFENSE COUNSEL, HAVE ALL DUE PROCESS PROCEDURES BEEN FOLLOWED?"
# 39 Defense Counsel - Crop In -	"THEY HAVE, MR. CHAIRMAN."

# 40 Chairman - Crop In -	"SCHOOL COUNSEL WILL READ THE CHARGES."
# 41 School Counsel Reading	"THE ACCUSED, BETTY LONGDALE, IS CHARGED WITH PHYSICALLY ASSAULTING MISS DIANA JOHNSTON, HOME ECONOMICS TEACHER, ON WEDNESDAY, APRIL 22, 1975, IN THE HOME ECONOMICS CLASSROOM."
# 42 Chairman - Crop In -	"HOW DOES THE ACCUSED PLEAD, GUILTY OR NOT GUILTY TO THE CHARGE?"
# 43 Cut To Larger Scene	Narrator: "AT THIS POINT WE WILL FOLLOW THE PROCEDURE AS IT MIGHT OCCUR IF A GUILTY PLEA WHERE ENTERED."
# 44 Defense Counsel Speaks - Crop In -	"THE ACCUSED PLEADS GUILTY TO THE CHARGE AS READ, MR. CHAIRMAN."

# 45 Chairman To Full Group - Crop In -	"SINCE A PLEA OF GUILTY IS ENTERED TO THE CHARGE THIS HEARING IS NOW OVER. THANK YOU. YOU ARE ALL EXCUSED."
# 46 Cut To Full Scene	Narrator: "WE WILL NOW FOLLOW THE PROCEDURE AS IT MIGHT OCCUR IF A PLEA OF NOT GUILTY IS ENTERED."
# 47 Defense Counsel Speaks	"THE ACCUSED PLEADS NOT GUILTY TO THE CHARGE, MR. CHAIRMAN."
# 48 Chairman Speaks	"A PLEA OF NOT GUILTY HAS BEEN ENTERED BY COUNSEL FOR THE DEFENSE. WE WILL NOW HEAR OPENING STATEMENTS. SCHOOL COUNSEL WILL SPEAK FIRST. COUNSEL FOR THE DEFENSE WILL FOLLOW."
# 49 School Counsel	Narrator: "OPENING STATEMENTS ARE MADE IN THE ORDER GIVEN."

# 50 Chairman Speaks	"THE SCHOOL COUNSEL WILL NOW PRESENT WITNESSES FOR THE PROSECUTION. COUNSEL FOR THE DEFENSE WILL BE PERMITTED TO CROSS EXAMINE."
# 51 Witness	Narrator: "WITNESSES FOR THE PROSECUTION ARE CALLED."
# 52 Chairman	"DEFENSE COUNSEL MAY NOW CALL WITNESSES FOR THE DEFENSE. SCHOOL COUNSEL WILL BE PERMITTED TO CROSS-EXAMINE."
# 53 Witness	"WITNESSES FOR THE DEFENSE ARE CALLED. FOLLOWING TESTIMONY OF WITNESSES AND CROSS EXAMINATION, REBUTTAL WITNESSES MIGHT BE CALLED TO REFUTE THE TESTIMONY OF EARLIER WITNESSES. THE EXPERIENCES OF SCHOOLS SO FAR INDICATES THIS WOULD HAPPEN ONLY RARELY.
# 54 Chairman	"DOES SCHOOL COUNSEL WISH TO PRESENT REBUTTAL WITNESSES AT THIS TIME?"

# 55 School Counsel	"NO, MR. CHAIRMAN."
# 56 Chairman - Crop In -	"DOES COUNSEL FOR THE DEFENSE WISH TO CALL REBUTTAL WITNESSES AT THIS TIME?"
# 57 Counsel For Defense - Crop In -	"NO, MR. CHAIRMAN."
# 58 Chairman - Crop In -	"WE WILL NOW HEAR CLOSING ARGUMENTS. SCHOOL COUNSEL WILL SPEAK FIRST."
# 59 School Counsel	Narrator: "CLOSING ARGUMENTS ARE PRESENTED. AFTER CLOSING ARGUMENTS HAVE BEEN HEARD THE JUDGE DISMISSES EVERYONE EXCEPT THE PANEL AND THE RECORDING SECRETARY."

# 60 Chairman To All Cut To Long Shot	"THIS HEARING IS CONCLUDED. EVERYONE IS NOW DISMISSED EXCEPT THE HEARING COMMITTEE AND THE RECORDING SECRETARY."
# 61 Chairman To Committee - Crop In -	"THE MEMBERS OF THIS COMMITTEE ARE AGAIN INSTRUCTED THAT YOU ARE TO REACH A DECISION OF GUILTY OR NOT GUILTY BASED ENTIRELY ON EVIDENCE PRESENTED IN THIS HEARING. WE ARE NOW READY FOR DISCUSSION. IF ANYONE WISHES, THE SECRETARY WILL READ THE CHARGES AGAIN AND ANY TESTIMONY YOU MAY WISH TO REVIEW."
# 62 Chairman and Committee At Small Table	Narrator: "DISCUSSION AND DEBATE CONTINUE UNTIL THERE APPEAR TO BE NO MORE QUESTIONS. AT THIS POINT THE CHAIRMAN MIGHT ASK...."
# 63 Chairman - Crop In -	"IS EVERYONE READY TO VOTE? PLEASE WRITE ONLY THE WORDS GUILTY OR NOT GUILTY ON THE BALLOT. FOLD THE BALLOT AND HAND IT TO THE RECORDING SECRETARY."
# 64 Secretary - Crop In -	Narrator: "THE SECRETARY COLLECTS THE BALLOTS AND TALLIES THEM. SHE WRITES THE TOTALS AND HANDS THEM TO THE CHAIRMAN. A UNANIMOUS VOTE WOULD, OF COURSE, BE PREFERRABLE. EXPERIENCE HAS SHOWN, HOWEVER, THAT THIS MAY BE DIFFICULT TO OBTAIN AND A MAJORITY VOTE MAY DECIDE THE OUTCOME. YOU MIGHT OR MIGHT NOT DECIDE TO ANNOUNCE THE OUTCOME TO THE COMMITTEE OR TO EVERYONE PRESENT AT THE HEARING. AT LEAST ONE SCHOOL HAS ELECTED NOT TO DO SO."

# 65 Chairman Talking To Committee	"THANK YOU ALL FOR YOUR VERY ABLE AND SERIOUS ASSISTANCE AS MEMBERS OF THIS HEARING COMMITTEE. YOU ARE NOW EXCUSED."
# 66 Chairman Handing "Hearing Report" To Superintendent	THE HEARING COMMITTEE CHAIRMAN OR HEARING OFFICIAL SHOULD REPORT THE OUTCOME OF A HEARING IN WRITING TO THE SUPERINTENDENT OR CHIEF ADMINISTRATOR OF THE SCHOOL. HE MIGHT USE A PREPARED FORM FOR THIS PURPOSE WHICH HE SIGNS BEFORE SUBMITTING.
# 67 Superintendent - Talking To The Accused. "I Believe You Will Really Try---."	THE CHIEF SCHOOL ADMINISTRATOR MUST MAKE THE FINAL DECISION IN EVERY CASE. THE HEARING REPORT SERVES TO ASSIST HIM IN REACHING AN EQUITABLE DECISION, BUT HE HAS A GREAT DEAL OF LATITUDE IN DOING SO. ALTHOUGH THE COMMITTEE RECOMMENDATION IS A FINDING OF "GUILTY" THE ADMINISTRATOR IS NOT OUND BY THAT FINDING AND HAS THE POWER TO MAKE A CONTRARY DECISION. HE MAY ALSO OVERRULE A "NOT GUILTY" HEARING OUTCOME, BUT THIS WOULD BE UNUSUAL AND GENERALLY NOT ADVISEABLE
# 68 Superintendent To Student, "You Realize You Have The Right To Appeal Your Expulsion To The Area Director."	IN THE CASE OF AN ADVERSE DECISION THE STUDENT MAY AVAIL HIMSELF OF HIS RIGHT TO ADMINISTRATIVE REVIEW AND APPEAL. HE MAY APPEAL TO THE AREA DIRECTOR OF THE BUREAU OF INDIAN AFFAIRS FOR HIS AREA, AND BEYOND HIM TO THE COMMISSIONER OF INDIAN AFFAIRS AND TO THE SECRETARY OF THE INTERIOR. IF THE DECISION REMAINS ADVERSE AFTER EXHAUSTING THESE AVENUES OF APPEAL THE STUDENT STILL HAS RECOURSE TO THE COURTS.
# 69 A BIA School	MUSIC - IN LOW THIS PROGRAM HAS PRESENTED A BRIEF LOOK AT DUE PROCESS PROCEDURES AND HAS OFFERED SOME GUIDELINES FOR THEIR ESTABLISHMENT IN SCHOOLS OPERATED OR FUNDED BY THE BUREAU OF INDIAN AFFAIRS. EACH SITUATION IS UNIQUE, OF COURSE, AND ONLY THOSE RESPONSIBLE FOR ESTABLISHMENT OF PROCEDURAL DUE PROCESS IN A GIVEN SCHOOL CAN DECIDE HOW BEST TO
	APPROACH THE TASK. CONSCIENTIOUS EFFORT IS ESSENTIAL IF REAL DUE PROCESS IS TO BE PROVIDED.

# 70 Credit	MUSIC-- UP
# 71 Credit	MUSIC-- CONTINUED
# 72 THE END	MUSIC-- CONTINUED MUSIC OUT